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10 Countess, Milligan, and Estes

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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 **JUAN ANGEL MARTINEZ, JR.,**

16 Plaintiff,

17 v.

18 **JAMES E. TILTON, et al.,**

19 Defendants.
20

C 07-4684 CRB (PR)

**DEFENDANTS' MOTION
FOR AN EXTENSION OF
TIME TO FILE A REPLY
REGARDING THEIR
MOTIONS TO DISMISS AND
FOR SUMMARY JUDGMENT**

21 Defendants Tilton, Scavetta, Horel, Silva, Vanderhoofven, McGuyer, Enos, Barneburg,
22 Countess, Milligan, and Estes (Defendants) respectfully request a nine-day extension of time, up
23 to and including July 16, 2008, in which to file a reply regarding their motions to dismiss and for
24 summary judgment.

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1 As explained in detail by the accompanying declaration of counsel, Defendants need
2 additional time to prepare a reply because Plaintiff's opposition is oversized and without a table
3 of contents, and because Defendants' counsel was out of the office for over half of the available
4 time to prepare the reply. This is Defendants' first request for an extension of time to file their
5 reply.

6
7 Dated: July 7, 2008

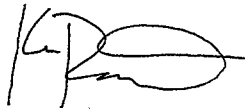
8 Respectfully submitted,

9 EDMUND G. BROWN JR.
Attorney General of the State of California

10 DAVID S. CHANEY
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11 ROCHELLE C. EAST
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16 KENNETH T. ROOST
Deputy Attorney General
17 Attorneys for Defendants Tilton, Scavetta, Horel, Silva,
18 Vanderhoofven, McGuyer, Enos, Barneburg, Countess, Milligan,
and Estes
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Martinez v. Tilton, et al.**

Case No.: **C 07-4684 CRB (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On July 7, 2008, I served the attached

**DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO FILE A REPLY
REGARDING THEIR MOTIONS TO DISMISS AND FOR SUMMARY JUDGMENT**

**DECLARATION OF KENNETH T. ROOST IN SUPPORT OF DEFENDANTS'
MOTION FOR EXTENSION OF TIME TO FILE A REPLY REGARDING THEIR
MOTIONS TO DISMISS AND FOR SUMMARY JUDGMENT**

**[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION FOR AN EXTENSION
OF TIME TO FILE A REPLY REGARDING THEIR MOTIONS TO DISMISS AND
FOR SUMMARY JUDGMENT**

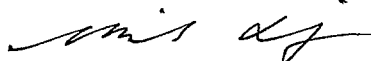
by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Juan Angel Martinez, Jr.
H-93376
Pelican Bay State Prison
P. O. Box 7500
Crescent City, CA 95532
Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **July 7, 2008**, at San Francisco, California.

M. Xiang

Declarant



Signature